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A MANUAL OF COMMON SCHOOL LAW. By C. W. BARDEEN. Syracuse, N. Y. : C. W. Bardeen, Publisher. 1896.

This little work was first published in 1875, and for twenty years has been the only text-book on School Law in general use. It is now for the first time entirely re-written, considerably enlarged, and re-arranged. It consists of three parts ; I., The School Officer ; II., The Teacher ; III., Uniform Examination Questions. The first and third appeal chiefly to New York lawyers and teachers, being based directly upon the law of that state. The second part, however, is more general in its nature, and, as the author states in his preface, "is a safe guide throughout the country, both in school and in court."

The chapter on Suspension and Expulsion contains an interesting discussion of the relative merits of corporal punishment and expulsion as means of disciplining refractory pupils. The use of the former is now discouraged, if not forbidden, by public opinion ; while the latter is inconsistent with the compulsory education laws in force in some states ; yet one of these two methods of punishment must be the last resort of the teacher in extreme cases. This dilemma leads the author to conclude that in such cases corporal punishment should be inflicted rather than expulsion, as otherwise the boy whom one tingling blow of the ferule might have saved often grows up in low-bred ignorance ; but that some new means of punishment, superior to either of these, might and should be invented. The author proposes that every system of schools should have a Truant School, not penal but reformatory, to which refractory pupils may be sent.

The book contains a very complete tabular analysis of its contents, as well as a list of references to Superintendents' Decisions in the State of New York, and to statutes of the various states. It will undoubtedly be useful to both lawyers and teachers.

*W. M. H.*

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A TREATISE ON CRIMES AND MISDEMEANORS. By SIR WM. OLDNALL RUSSELL, KNT., late Chief Justice of Bengal. Three Volumes. Sixth Edition. By HORACE SMITH, Benchet of Inner Temple, and A. P. PERCIVAL KEMP, M. A., Barrister at Law. London : Stevens & Sons, L't'd, Sweet & Maxwell, L't'd. Boston : Little, Brown & Co. 1896.

The first edition of "Russell on Crimes" was published in England in 1819 ; nineteen years ago the fifth edition appeared ; this year furnishes an International Edition. No American edition has appeared since 1877, the year of the fifth English edition.

There is no doubt that this is the greatest work extant on the criminal law. The whole work has been judiciously gone over by the editors. These gentlemen have preserved the original design of the work, making a slight change, however, in the arrangement, so that now the work is logically arranged according to the subject

matter, and not according to the exigencies of symmetry in the size of the volumes, as formerly. Nor have they deemed it their duty, fortunately for those who use the work, to add to each page a bewildering jungle of "recent cases." By the elimination of superfluous matter, and by abbreviation where possible, the present volumes exceed in size the last edition by but a few pages. All indictable offences, with the exception of treason, are treated. This crime was not included for the reason given by the author in the edition of 1819: "On account of the great additional space which the proper discussion of that important subject would have occupied, and because prosecutions for that crime . . . are always so conducted as to give sufficient time to consult the highest authorities." A treatise upon the law of evidence in criminal prosecutions forms the larger part of the third volume. In some instances, the notes of the editor of former editions, Mr. C. S. Greaves, have been retained.

The international feature of this edition is, in part, thus presented: "A new departure has been taken in the introduction of notes affording, it is hoped, some guide to the sources from which information may be obtained as to the state of the law in America upon the particular subject treated of in the text. . . . The editors have, therefore, thought it would be impossible in a work, like "Russell on Crimes," to do more than indicate the source from which interesting light may be obtained by the inquirer upon any topic under discussion; and to this end they have availed themselves in a large degree of Mr. Bishop's most ingenious and lucid book on the Criminal Law." [New Commentaries on the Criminal Law, by J. P. Bishop, 8th Ed., Chicago; Flood & Co., 1892]. . . . All that the editors have attempted to do is to indicate some of the sources of information from which an American or English reader may derive assistance upon points where the English and American law appear to be in any degree at variance. To have attempted more than this—to have incorporated the American law with the text, or even to have discussed the American law in detail in the notes—would have produced nothing but confusion, unless the whole scheme and character of the work were to be entirely altered."

The wisdom of this conclusion and of this course is apparent; hence, in addition to the American cases always cited in a separate note, one finds constant cross references to Mr. Bishop's book. The former recognition given to "Russell on Crimes" in America, the fact that our common law is derived from the English common law, the similarity and frequent identity of the Criminal Codes of both countries, the judiciously-prepared annotations, should make this work exceedingly useful to the American criminal lawyer. In passing we may notice that some part of our Criminal Code of 1860 appears to have been adopted *verbatim* from the English statutes.

The first volume contains Books I. and II. Following a chapter headed General Provisions, in which are treated various matters

relating to criminal procedure, appear chapters upon Persons Capable of Committing Crimes, of Principals and Accessories, of Indictable Offences. The discussion of Principals and Accessories is very complete. In Book II. are treated the Offences Principally Affecting the Government, the Public Peace, or the Public Rights. More than one hundred pages are given to perjury and subornation of perjury, equally sub-divided into the elements of the offence, the indictment, and the evidence competent on the trial for perjury.

The second volume contains the discussion of Offences against Property, Public and Private. Here, of course, burglary, robbery, larceny, embezzlement, false pretences, etc., forgery and arson are completely treated. In the discussion of larceny the Editors have inserted the judgments of Smith and Stephen, J. J., against conviction, and of Cave, J., and Lord Coleridge, C. J., in favor of conviction of that offence in the ably considered and much discussed case of *R. v. Ashwell*, 16 Q. B. D. 190 (1885). It will be remembered that this is the curious case in which the prosecutor gave the prisoner a sovereign believing it to be a shilling, while the prisoner received it believing that he was receiving a shilling, and upon the discovery of the mistake refused to return the excess. The conviction was affirmed by a court evenly divided—seven judges favoring conviction, while seven opposed it. The decisions contained in the Appendix to this volume, on repealed statutes relating to embezzlement and to forgery, will be useful.

Volume III. includes Books IV., devoted to Offences against the Persons of Individuals, and V., devoted to Evidence. Murder and Manslaughter are exhaustively treated with full American references.

Each volume contains a complete index and mechanically the books could not be improved. The progress of the criminal law, and the statutory changes occurring since 1877 rendered a new edition useful. The profession has received a very ably edited work.

*W. B. L.*

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THE JEWISH LAW OF DIVORCE according to BIBLE AND TALMUD, with some References to its Development in "Post-Talmudic Times." By DAVID WERNER AMRAM. Philadelphia: Edward Stern & Co., Inc. 1896.

There are two quite opposite points of view from which a critic may be expected to review a volume. The first both in frequency and in importance is that of one who, entirely familiar with the subject-matter of his book, is prepared to add from his store of knowledge some suggestions, whether friendly or unfriendly, as to the method in which the writer has accomplished the result before him; and this is what may properly be called the field of "criticism." The other is that of one who finds in the volume a subject-matter quite unfamiliar to him and reads it with a view rather to learn than to teach—rather to make the best of what he finds than to take exception to what he does not find, or even to the manner